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Barack Obama or B. Hussein? The Post-Racial Debate in Boston Legal

JENNY BANH

DENNY CRANE: *The basket has made its way all around the table. Denny takes a roll. So Turnip, tell me, what do black kids like to eat?*

There is a murmur of protest.

SHIRLEY SCHMIDT: For God's sake! Denny!

ALLEN SHORE: What do black kids like to eat?

DENNY CRANE: Well, I wanna know! Koreans like Korean. Greeks like Greek.

Shirley lifts her eyes to heaven as the protesting gets louder.

SHIRLEY SCHMIDT: I've had it with you two!

MELVIN PALMER: Feisty bunch.

ALLEN SHORE: RACIST!

DENNY CRANE: Racist?

ALLEN SHORE: Yes. Racist.

—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

Barack Obama and Post-Racial Debate on Boston Legal Episode "Systemic Racism"

President Barack Obama's election spurred popular cultural artifacts from Ben and Jerry's new commemorative ice cream flavor "Yes Pecan" and Jay-Z's rap video "History," to the ubiquitous appropriation of Shepard Farley's "Change" poster, which some argue has contributed to the *post-racial* debate. The Emmy-winning television show *Boston Legal*'s "Thanksgiving" episode, scene "Systemic Racism," which aired in its final season, presents a unique popular-culture debate taking place across the United States, namely, does the election of Barack Obama as president signal a move of the United States into a new "color-blind" (post-racial) society? This essay is grounded and framed by one singular Thanksgiving dinner-party argument that takes place in the fictitious television world of writer David E. Kelley's *Boston Legal*, which ran from 2004 to 2008 on ABC. In this episode a ferocious argument

occurs between the five principal lawyer characters on the show at a Thanksgiving dinner party set in Boston, Massachusetts, over whether America is post-racial. The essay argues that we are not a post-racial society yet, but that Barack Obama's election has completely changed all of the racial parameters and may hearken a new age.

The heated argument opens with Denny Crane — a character played by William Shatner — asking a young African American nine-year-old, “What do black people eat?” This elicits a response that he is “racist” by Allen Shore. The fractious conversation swings toward whether the election of Barack Obama signals a new dawn for race relationships in the United States. In a nutshell, the idea of the *post-racial society* — with race no longer a factor — is being bandied about by the characters. On one side of the debate is the ethics challenged Allen Shore—a character played by James Spader — who scoffs at the idea that America is now color-blind. Shore's statement is vehemently opposed by all the other Anglo American characters, who argue that African Americans have turned a significant corner. This essay goes over this singular real-time ten-minute argument line by line and unpacks the veracity of the contentious statements by the characters about whether indeed the election of Barack Obama has brought about a new age where race is no longer salient (post-racism). While other popular-cultural artifacts reference the current debate, few do so in as nuanced a manner as *Boston Legal*, including the use of contemporary statistical data on the socio-economic realities of Anglo Americans and African Americans. This essay ultimately takes the side of Allen Shore in that we are not (yet) in a post-racial state, but with the caveat that President Obama's election does change and complicate the parameters of all racial discussions hereafter.

Using the *Boston Legal* television episode as a unique framework, this essay highlights both sides of the debate and charges that many popular-cultural pieces are debating this topic since the election of Barack Obama. The argument in this episode of *Boston Legal*, “Thanksgiving,” pushes a longstanding academic argument into a new mainstream public consciousness. For example, this dovetails with Theodor Adorno and Max Horkheimer's Culture Industry theory (1944), which argued that all humans are duped into constant consuming that feeds the capitalistic system. Their ubiquitously quoted culture industry thesis — that the mass media is a form of capitalistic “mass deception” — is a piece that uniquely brings an academic argument out into mainstream popular culture for people to debate. Analogously, Walter Benjamin's *The Work of Art in the Age of Mechanical Reproduction* (1935) argues that mass media and production releases the “aura” of fine art to be more democratic, which I charge is what this *Boston Legal* scene is doing for this debate. Benjamin is trying to say that before mass media, “fine art” was only

for the elite to peruse, but after it became mass produced, more people could participate in its dialogue. The post-racial debate has been bandied about in academia like this; however, now the popular culture post-racial debate is evoked further by President Obama's election, pushing it to the forefront where more people can democratically debate. Now the academic and popular-culture dialogues finally overlap, undermine, and collide with each other in this debate.

In academia, the post-racial contrarians use evidence that we are not color-blind because of the unequal systems of prison, health and education. The other side argues that we are color-blind because there are no longer any racist de jure laws. One side of the popular-culture front argues that we are *not* in a post-racial state because of the election of Barack Obama using varied evidence: such as a cartoon of Obama depicted as a runaway gorilla; Rush Limbaugh's song, “Barack the Magic Negro”; Anne Coulter ad nauseam calling Obama “B. Hussein”; and Congressman Joe Wilson screaming, “You lie! You lie!” Some might argue that these examples are merely rude and petty events, but in fact these examples neatly fit into age-old racist stereotypes of African Americans that were used to justify slavery. These heinous stereotypes are that African Americans are non-intelligent, apes, mystical, disloyal, and dishonest. The other side of the post-racial popular-culture debate argues that the fact that a “black man” has been elected by the United States indicates that race is no longer a defining characteristic of a country that used to enslave its African American citizens. We have moved beyond seeing race, using evidence such as: (1) rising multi-racial marriages of which Obama is one of its progeny, (2) non-biological discreteness and (3) changing non-Anglo American demographics.

Boston Legal Layout of Characters: Allen Shore, Denny Crane, and Shirley Schmidt

In the *Boston Legal* “Thanksgiving” (2009) episode, scene “Systemic Racism,” one of the show's principal characters, Allen Shore, attends a Thanksgiving dinner party hosted by his law firm boss Shirley Schmidt, played by Candice Bergen. While they are giving grace, Shirley mentions that she cried when Barack Obama was elected. Adorned with self-congratulatory smiles, the other liberal white lawyers, Denny Crane, played by William Shatner; Carl Sack, played by John Larroquette; and Jerry Espenson, played by Christian Clemenson, heartily agree. Edwin Poole, played by Larry Miller; Katie Lloyd, played by Tara Summers; and Melvin Palmer, played by Christopher Rich, also attend the dinner party and agree that America has turned a

significant corner. All the Anglo American lawyers at the table reflect upon how far *we* have come as a nation in terms of race relations. The only minority at the table is a nine-year-old African American boy named Justin "Turnip" Graves, played by Kwesi Boakye, who earlier in the episode attempted to rob Shirley in the grocery store parking lot. Turnip now is under the guardianship of Edwin Poole. Hilarity and discomfort ensue when Allen, who is also Anglo American, launches into a diatribe about how little has changed for African Americans in the forty years since the apex of the civil rights movement, citing the continued lack of quality health care and education and the persistent poverty that continues to plague African American citizens. He further references the perception some Americans hold that Barack Obama is an Arab, not born in America ("birthies"), or is secretly a "Muslim terrorist." Allen also cites the various examples of coded racial language used during the presidential campaign, including Joe Biden's reference to Obama as "clean and articulate" and the Fox News Channel's reference to Michelle Obama as "Obama's baby's mama." Through the different parts of this chapter, a snippet of the dinner party will be quoted and analyzed in the order of the real-time argument.

African Americans, in contrast to Anglo Americans, do have alarmingly unequal wealth, health care, and education patterns, as Allen Shore argues. On the other side of this debate, some groups, such as West Indian and African immigrants, have made significant strides, and no one can deny the historic fear of a partially African-descended man now sitting as the president of the United States of America. However, both sides of the color-blind debate are not typically found in one popular-culture piece so comprehensively. This essay will charge that although there has been little change in the parameters of wealth, education, and health care since the 1960s for most African Americans, Barack Obama's election invites popular-culture pieces that give the opposite impression. Popular-culture entities are taking dramatically different sides in this debate, namely in recent television shows, newspapers, magazines, the Internet, songs, and YouTube videos.

Systemic Racism: Different Academic Views of Inequality

ALLEN SHORE: Yes, racist. This is a holiday. Please let's not extend the systemic racism of the firm to the dining room table.

—Awkward Pause for three seconds

Carl is taken *aback*, as are others.

SHIRLEY SCHMIDT: What systemic racism of the firm?

ALLEN SHORE: Oh! Come on, Shirley!

—Boston Legal, Episode "Thanksgiving," Scene "Systemic Racism"

Here the *Boston Legal* character Shirley Schmidt seems dumbfounded when the character Allen Shore announces at the Thanksgiving dinner party that there is systemic racism at the law firm that she, Edwin Poole, and Denny Crane founded. Shirley absolutely does not believe that her law firm is biased in any way against African Americans, which plays into a larger debate over whether or not America is racist toward minorities. The producer, creator, and writer of this episode, David E. Kelley, wrote this "Systemic Racism" scene which uses Shirley's offended question to argue that racial inequality in the United States is over. But before we go into Shirley's view, let us digress to what theories of inequality preceded her. There are varying academic theories of why there is a large poor underclass group and a small powerful elite group. Theorists state that the reason for inequities is because of class, power, and status differences which affect life chances.

The academic sociological basis of the "inequality" debate is well trod. The founders of sociology, Karl Marx, Max Weber, and Emile Durkheim, did not see racial differences as playing a large role in the understanding of inequality between different groups. Marx argued that the *base* or economic forces, and how one is positioned in the *means of production*, explained how and why one is exploited. To Marx, "race" was relegated to the *superstructure*, which consisted of culture and ideas and was tangential to the all-important base. Weber emphasized *status* and *power* as the main predictors of inequality; while Durkheim studied how the psychologies of suicide, religion, and social organizations could indicate unfair outcomes. W.E.B. DuBois, Harvard-trained African American sociologist very famously objected to these three theorists by stating, "The most significant problem of the twentieth century is the color line" (DuBois, 1896). While DuBois very much agreed with the importance of the economic factors, he also indicated the importance of how race has had a detrimental effect on individuals such as African Americans. He argued that there are real historical and structural barriers (read: systematic racism) that prevented African Americans from moving up in economic class.

Post-Racial America: "It Doesn't Mean We Are Racist!" Says Shirley Schmidt

SHIRLEY SCHMIDT: No, I'd like to hear this.

ALLEN SHORE: Well, look around the table. Or the office! You see any black attorneys?

SHIRLEY SCHMIDT: It doesn't mean we are racist!

ALLEN SHORE: Right!

DENNY CRANE: Do you ever think for one second that maybe black attor-

neys do not want to work with us? Maybe they wanna be with their own?

ALLEN SHORE: Oh God.

SHIRLEY SCHMIDT: Denny! Don't help me, please.
—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

The proponents of the pop-culture post-racial thesis such as *Boston Legal* characters Shirley Schmidt and Denny Crane argue that America is now equal. Here in this dialogue they defend their firm against charges of racism much in the same way that others defend contemporary American society and culture from similar charges. Here one can make the inference that Shirley views racism as the David Duke, KKK (Ku Klux Klan) style in which hooded white men lynch innocent African Americans. Neither she nor her colleagues would ever think to engage in these abhorrent acts; thus they consider themselves a non-racist law firm. Can there be racism without racists?

Eduardo Bonilla-Silva's *Racism without Racists: Color-Blind Racism* (2006) discusses this phenomenon of not having explicit racists or racist act as an indicator there is no racism. Dr. Bonilla-Silva argues that there is still a lot of inequality based on the color of your skin. He charges that the structures that permeate American society are unequal and biased against minorities. Bonilla-Silva calls it "color-blind racism," which is when Anglo Americans internalize their sense of privilege or racist beliefs about minorities.

Analogously, Ian Haney López argues in his book chapter "Colorblind White Dominance" (2009) that color blindness masks white dominance and makes racial inequality permanent. He argues that color blindness is a "sham" to mask continuing racial subordination. In tandem with Bonilla-Silva, López asserts,

Our faces and our racial ideology maybe changing but the fundamental racial dynamic of White dominance in this country will not end anytime soon. Instead, it will continue even as the definition of who counts as White expands, in large part because the material interests of so many demand it, but also the ideology of contemporary colorblindness protects and perpetuates White dominance [chapter 8, p. 212].

López's quote argues that the core values of white dominance will continue because too many people benefit from it. She says that there may be an expansion of who counts as "white," but the racist ideology of white dominance is the same. Disagreeing with Shirley, López and Bonilla-Silva would assert that there are still systematic inequalities affecting all minorities psychologically and structurally, which prevents them from full participation in many fields, including law firms.

"We Just Had a Black Man Elected President!"
and Other Popular Culture Arguments
That We Are Now Post-Racial

TURNIP GRAVES: Could you please pass the...?
SHIRLEY SCHMIDT: No! We just had a black man elected President and you still think?

ALLEN SHORE: Oh please!

SHIRLEY SCHMIDT: What? Oh, please.?"

ALLEN SHORE: Never mind...

—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

Shirley argues that America has turned a corner by citing the election of "a black man" as president. What she neglects here to augment her argument is the use of Barack Obama and other African Americans in the popular-culture realm. Since the election of Barack Obama, there have been a plethora of references to the idea of a post-racial state. One could argue along with Shirley that this post-racial discussion is more apparent since Obama's election than ten years ago. One thing that Shirley can cite is when, just a few years before, Kanye West had famously ranted that "George Bush doesn't care about black people!" after Hurricane Katrina; this comment resonated more than today. West was complaining that the ill treatment African Americans were getting from the government was because of the color of their skin. So when Tracy Morgan made his joke at the 2009 Golden Globes, it was ever so much more poignant.

When *30 Rock* star Tracy Morgan accepted the 2009 Golden Globe for best comedy series, he killed the crowd with this uproarious joke. "Tina Fey and I had an agreement," he said. "If Barack Obama won, I would speak for the show from now on. Welcome to post-racial America! I am the face of post-racial America! Deal with it, Cate Blanchett!" (2009 Best Television Series—Musical or Comedy Award for *30 Rock*). Only Tracy Morgan with his random stream of consciousness could pull off a joke that would delight the Hollywood foreign press and insider audience. He directly stated that America is now post-racial, but was the crowd's laughter an indication of incredulosity or agreement, or just confusion over another Tracy Morgan random joke?

Shirley could have argued that other popular cultural renditions of Barack Obama in an arguably post-racial setting include: the Marvel Comics "Spidey Meets the President!" (#583), Ben and Jerry's ice cream flavor "Yes Pecan," and Shepard Fairey's "Change" poster. Even before the popular-culture and post-racial debate, Shirley Schmidt might argue that there has been a long global appreciation of African Americans arts, namely hip hop and African

American artists such as Jay-Z (Sean Carter), P. Diddy (Sean Combs), and Michael Jackson.

Indeed many Americans have grown up watching shows with African American casts such as *Good Times*, *The Jeffersons*, *Sandford and Son*, *The Cosby Show*, *A Different World*, and *The Fresh Prince of Bel-Air*. Watching these African American shows every day on television can arguably have a great positive psychological effect on how individuals view minorities if they do not have any interactions. Direct descendants of these shows are *My Wife and Kids*, *The Bernie Mac Show*, and *Everybody Hates Chris*. While there may have been some race-themed episodes, not all the shows were about racism directly, which might be used as an argument that we are now moving to a post-racial state.

Academic Post-Racial Arguments Shirley Neglects to Use: Sociology and Anthropology

SHIRLEY SCHMIDT: No, I'd like to hear this, Allen.

CARL SACK: I don't.

EDWIN POOLE: Neither do I.

SHIRLEY SCHMIDT: I do. Say it, Alan. I wanna hear what you have to say.
—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

In the dialogue here, Shirley wants to hear evidence on why America is still a racially unequal society. She does not give any further academic points to her argument. The point of this section is to use academic arguments that Shirley did not use in her argument that we are now post-racial. This part of the chapter will look at post-race theories that Shirley did *not* use in her argument that we are now a post-racial America — namely the biological anthropological and sociological arguments.

One vocal sociologist, William Julius Wilson, argues in his book, *The Declining Significance of Race: Black and Changing American Institutions* (1980), that "class" plays a larger role in African American lives than race. When other factors are controlled, it is *class* that determines how far you will go in life; thus middle-class Anglo and African American people have the same life chances if all variables are the same (1980). Another sociologist, Herbert Blumer, agrees that it is not always racism that drives inequality. Blumer argues that it is not necessarily racism but the "logic" of maintaining group privilege that maintains inequality.

The Association of American Anthropologists (AAA) officially stated that "race is not a biologically real entity but is a social reality for people"

("Statement on Race," May 17, 1998). The AAA argues that race is a "social construction" with three key pieces of evidence: (1) genes co-vary, (2) there are more differences within groups than between groups, and (3) all humans evolved from Africa. The AAA further clarifies that although race is constructed, racism based on perceived differences is quite real, along with genuine structural racism which exists on many levels.

Other books such as the *Mismeasure of Man* (1981) by Steven Jay Gould also document how *biological race* is not real. The multiple lines of evidence he uses are the mitochondrial DNA and the overlapping genes loci. Gould's world-renowned book proved that European scientists made a priori assumptions and made their data fit these assumptions, which were chiefly that Europeans were superior. All of these theorists would agree that there is no such thing as a biological essentialist notion of race. These sociological and anthropological academic arguments are something that Shirley could have used in her contention that we are now "color-blind."

"[Y]ou Think We Have Really Turned a Corner?" Post-Racial Debate in Terms of Barack Obama

ALLEN SHORE: What, you think we've really turned a corner? Of a hundred senators, one is black. One! And that is Barack Obama; come January there will be none! Of fifty governors, two are black and one of those is in New York by default because Eric Spitzer got caught with his hooker. This country hardly seems willing to elect black leaders on a regular basis.

—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

The 2008 U.S. presidential election results showed that African American Illinois senator, Barack Obama, did win the state of North Carolina, a decidedly red state, which some argue indicates that race is no longer salient. Allen Shore disagrees and says that "the country hardly seems willing to elect black leaders on a regular basis." Allen's statement holds if one were to look at the election of Obama in comparison to other black candidates. Shore's point is that there is a difference in electing Obama and regularly voting for black candidates for other offices.

According to the CNN exit poll on November 5, 2008, all the different races voted for Barack Obama. He won overwhelmingly with all demographics, especially with the youth and minority vote. The only demographic that he did not win was the sixty-five and older demographic. "Race played less of a role in the election than age, exit polls showed" (CNN exit poll, November 5, 2008). Bill Schneider, senior CNN political analyst, comments on this

story, saying, "Race was not a decisive factor in this election," but instead the economy, the Iraq War, health care and terrorism were.

Although all the different races voted for Obama in the presidential election, Allen Shore is correct that historically African Americans have not had a large political presence in the United States. To this day there have only been six African American senators in American history: in 1870, Hiram Revels; 1875, Blanche K. Bruce; 1967, Edward Brooke; 1993, Carol Moseley Braun; 2005, Barack Obama; and 2007, Roland Burris (United States Senate, 2010). Similarly, we have only had three African American governors: L. Douglas Wilder, Virginia, 1990–1994; Deval Patrick, Massachusetts, 2007–present; and David Paterson, New York, 2008–2010.

Post-Racial Debate in Politics: Bradley Theory, Huxtable Theory, Palmer Theory

CARL SACK: But the people of the firm ate. They overwhelmingly voted for Obama.

ALLEN SHORE: How the hell do you know what happened in the privacy of those polling booths?

—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

Some argue Obama's election completely defeats the often-touted *Bradley theory*. The *Bradley theory* is a political-science theory that argues that whites will often express support for minority candidates and racially progressive issues, or say that they are "undecided" in polls, but end up voting against minority candidates and racially progressive issues in actual elections. This is particularly apparent when the minority candidate is running against an Anglo American candidate. This theory is named after popular African American Los Angeles mayor Tom Bradley, who ran for the California governorship in the 1980s. In the weeks leading up to the election, he was shown to be ahead in the polls but ended up losing the election, much to the surprise of pollsters. *Bradley theorists* argue that Anglo Americans lied in the polls when they were asked if they would vote for him. Many have taken this example and applied it to other voting situations when an Anglo politician runs against an African American politician, such as Barack Obama against John McCain. This is significant because a candidate's race could conceivably cost him votes.

Other political scientists argue that the *Bradley effect* means that white voters will always vote predominantly for white politicians. But does the *Bradley effect* focus too much on race, and why did it not work in the election of President Barack Obama? Some journalists and popular-cultural theorists answer that it is because of the *Huxtable effect* and the *Palmer effect*.

Many Americans grew up watching the top-rated African American television program *The Cosby Show* on NBC (National Broadcasting Corporation) in the 1980s to the early 1990s. The show was about an upper-middle-class African American family named the Huxtables. The patriarch of the show was Heathcliff "Cliff" Huxtable, an obstetrician who lives with his wife, Clair Huxtable, an attorney, and their five children. The award-winning actors who played those roles were Dr. Bill Cosby and Phylicia Rashad. Although the show was not about African American race issues directly, it was Afro-centric in showing its pride in great African American artists. Alisa Valdes-Rodriguez, a *Chicago Sun-Times* journalist, wrote about this show and how it directly affected the election of Obama in an article titled "The Huxtable Effect: How Cosby Paved the Way for Obama's Candidacy" (*Chicago Sun-Times*, 2008, November 3). Valdes-Rodriguez coined the phrase "The Huxtable effect," which refers to the fact that many young Americans grew up with a positive African American father image on television every day in the form of Cliff Huxtable, which in turn made them comfortable voting for an African American candidate. There also has been a fictionalized popular African American president on the television show *24*, which some argue contributed to Obama's election in what is called the *Palmer effect*.

On the popular show *24*, Dennis Haysbert portrays America's first African American president, David Palmer. This fictionalized African American president was decisive, ethical, and competent; each week he dealt with Jack Bauer's dramatic antics with aplomb and calm grace. Simon Reynolds' article titled "Haysbert: '24' president helped Obama" (July 2008) quotes the fictional *24* actor as saying that he had a positive effect on the election of Obama. The actor said that he would be eating in all-Anglo settings and people would come up to him and thank him for his positive portrayal of an African American president. Nick Bryant coined the term "Palmer effect," which argues that many Americans were willing to vote for an African American candidate because they were used to seeing an African American chief executive on the hugely successful *24*. The larger point here is that the political-science theory of the *Bradley effect* may not have been as effective as the popular-culture theories of the *Huxtable effect* and the *Palmer effect* in the election of Barack Obama.

(Post) Racial Disparities? Life Expectancies and Cancer

SHIRLEY SCHMIDT: Get out of this house! You will not say things...
ALLEN SHORE: But I haven't eaten yet!

SHIRLEY SCHMIDT: I don't care!

CARL SACK: Ho, ho, ho. Let's just slow down.

SHIRLEY SCHMIDT: You will not say things like that...

ALAN SHORE: What did I say?

Shirley doesn't answer.

JERRY ESPENSON: Maybe since Barack Obama was just elected we can celebrate the progress that blacks have made in this country, instead of...

—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

At this point Allen Shore is being kicked out of the Thanksgiving dinner party by Shirley. Shore states that he has not eaten yet and does not want to go. Allen just wants to make the point that race permeates everything in the United States and has detrimental effects on people of color. Carl then states that maybe we can celebrate how far African Americans have come. If Carl and Shirley are correct, then there should be few or no differences between the races in all different social, economic, and political categories. Outside of the *Boston Legal* law firm, there are many who agree with Allen Shore's position that race is still important, and it shows up in, among other areas, health disparities.

Michael Omi and Howard Winant's racialization theory challenges the post-racial thesis and argues that Obama's election masks the fact that "race" still permeates nearly all aspects of American society and has real (negative) costs for the nation's non-white population. This is seen in disparities in health care, schooling, and imprisonment rates. Winant's *Racial Formation in the United States: From the 1960s to the 1990s* (1994) argues that indeed race has historically and still is the main structuring medium in how the United States has treated its non-white inhabitants. The point of this part of the chapter is to reveal that Shore is correct by citing health-care disparities between white and black Americans.

In *Race, Socioeconomic Status, and Health: The Added Effects of Racism and Discrimination*, David R. Williams charges that racism is the chief reason for higher disease rates of African Americans over Anglo Americans. Williams argues that this is because of African American (1) residence in poor neighborhoods, (2) medical care that is racially biased, and (3) stress over daily discrimination (Williams, 1999).

Another example of health disparities is mortality rates as reported in the study titled, "Eight Americas: Investigating Mortality Disparities across Races, Counties, and Race-Counties in the United States" (Murray, et al., 2006). This study divided America into eight separate pieces based on race, location of the country of residence, population, race-specific level of per capita income, and cumulative homicide rate. The census and national health statistics found that "the life expectancy gap between the 3.4 million high-risk

urban black males and the 5.6 million Asian females was 20.7 years in 2001." Furthermore, *A Cancer Journal for Clinicians: Statistics for 2006* provides evidence for disparate cancer survival rates between Anglo and African Americans. The larger point of this section of the chapter is that if Carl and Shirley were correct that we are post-racial, then the cancer and life expectancy would be the same, but it is in fact the opposite. This fits into the larger argument that we are not post-racial, even if we did elect "a black man."

(Post) Racial Disparities? Prison Rates and Death Row

ALLEN SHORE: Celebrate! In this country black people are still incarcerated almost six times the rate of white people. Turnip here seems well on his way.

TURNIP GRAVES: Hey!

—Boston Legal, Episode "Thanksgiving,"
Scene "Systemic Racism"

Allen Shore argues that the country still jails more African Americans than Anglo Americans. To follow the last piece, if America was truly post-racial as Carl and Shirley contend, then the prison rates of different races should be equal. Allen Shore is correct when he states the prison rates for the different racial groups are uneven. Angela Davis, in an evocative article in *Colorlines* magazine titled "Masked Racism: Reflection on the Prison Industrial Complex" (Fall 1998), charges that prisons are big profit-making businesses for states and private industries. Prisons employ a large number of people and make minorities and undocumented people disappear like "magic." There is even a new crop of private-profit prisons that are interconnected with America's big industries. She calls this big profit-making prison business the "Prison Industrial Complex" (PIC) which she charges is a holding and *disappearing* tank for society's least privileged. "Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from the public view when the human beings contending with them are relegated to cages" (Davis, Fall 1998). Unfortunately, the least privileged are still people of color and the undocumented.

Following this is Alfred Blumstein's (1982) seminal article, "On the Racial Disproportionality of the United States Prison Population," which argues that there are gross inequalities in the incarceration rates between whites and blacks. "Although Blacks comprise roughly one-eighth of the population, they represent half of the prison population." Blumstein argues that this inconsistency suggests gross injustices in the American criminal system.

Another injustice that a 2007 sociological article gives credence to is that black and white prisoners are not only incarcerated at different rates but are sentenced to death differently. In the article "Who Survives on Death Row? An Individual and Contextual Analysis" (Jacobs, et al., 2007), the authors provide some startling findings. They find that in the United States, blacks who kill whites are more likely to get executed. Whites who kill blacks have better life chances than blacks who kill whites. This gives credence to Allen's point that African Americans are treated differently in who survives the death penalty.

(Post) Racial Disparities? Allen Says, "Blacks Have Double the Unemployment Rates as Whites and Have for Forty Years"

ALLEN SHORE: Blacks have double the unemployment rates as whites and have for forty years now! Whether it's that or the government's underwhelming response to AIDS among blacks, or racial profiling, the black community continues to get screwed.

DENNY CRANE: Allen!

ALLEN SHORE: Let's not even discuss the public funding for black neighborhoods. Or how the Supreme Court is eviscerating *Brown versus Board of Education*.

—Boston Legal, Episode "Thanksgiving," Scene "Systemic Racism"

Allen Shore here is arguing that black employment and education are not adequate in America. He is right about the inequality in schooling, but his number for the unemployment rates for African Americans is debatable. In the working paper titled "Public High School Graduation and College Readiness Rates in the United States," Jay Greene and Greg Forster (2003), funded by the Bill and Melinda Gates Foundation, make some startling statements on which American students are or are not "college ready." Students who are not college ready, which means they do not fulfill the minimum requirements to go to a four-year college, are then relegated to the lower social, political, and economic career choices. Unfortunately, the authors contend that non-college-ready students tend to be people of color, excluding Asian Americans. Their executive summary findings detail the following:

Only 70% of all students in public high schools graduate, and only 32% of all students leave high school qualified to attend four-year colleges. Only 51% of all black students and 52% of all Hispanic students graduate, and only 20% of all black students and 16% of all Hispanic students leave high school college ready. The graduation rate for white students was 72%; for Asians, 79%; and for American

Indians, 54%. The college readiness rate for whites was 37%; for Asian students, 38%; for American Indians, 14% [Greene & Forster, 2003].

This is evidence for Allen Shore's statement that educational opportunities are not the same for all high school students. If one does not go to college, there is a higher chance of being unemployed. The 2000 Census indicates that black unemployment is still higher than whites. "In 1994, a higher proportion of whites (67 percent) than Blacks (63 percent) 16 years old and over were in the civilian labor force (U.S. Census Bureau, 2008; Angela Davis would dispute these numbers because she would argue that they do not include African Americans who are incarcerated and "disappeared").

Unemployment is also a big issue that Allen Shore touches upon in his tirade. "The civilian unemployment rate for Blacks was more than twice that of Whites in both 1994 and 1980 (11 versus 5 percent and 14 versus 6 percent, respectively) (U.S. Census Bureau, 2008). Allen Shore is correct according to the 2000 Census that black unemployment is double that of whites. These statistics go against Shirley's and Carl's argument that African Americans should be proud of how far they have come because of the election of Barack Obama. The virtual numbers of unemployment for African Americans are the same as before, with no measure of lessening since Obama was elected president. These are not statistics of a true post-racial America.

Post-Racial Politics? Political String of Apologies Over Coded Terms About "Race"

ALLEN SHORE: Let's not forget that we've got the Republican congressman Lynn Westmoreland from Georgia who referred to Obama as "uppity." Not once! Twice! Uppity!

—Boston Legal, Episode "Thanksgiving," Scene "Systemic Racism"

This penultimate part of the essay will first go over a string of political apologies for racist comments about President Obama that Allen Shore mentions in his tirade. The first one is the only one that Allen mentions, which is when Lynn Westmoreland, a Republican representative from Georgia, calls Michelle and Barack Obama "uppity." The Associated Press cites *The Hill* newspaper, where Westmoreland is quoted: "just from what little I have seen of her and Mister Obama, Senator Obama, they're a member of an elitist class, individuals that think they are uppity." When the reporter asked him to explain again the term "uppity," Westmoreland reiterates, "Yes, uppity" (*The Hill*, September 4, 2008). Many people were incensed by this comment, and Congressman Westmoreland defends it by saying that the dictionary

definition of "uppity" is putting on airs or an elite attitude. Anyone, though, who grew up in the South knows what the term "uppity" means: an African American individual who does not know his "place" and acts equal to a white person.

The second in a long line of apologies is by Senator Harry Reid, who was quoted in the book *Game Change* (2010), by *Time* magazine's Mark Halperin and *New York* magazine's John Heilemann, as saying that Obama was "light skinned" and "had no Negro accent, unless he wanted to have one." The Republicans were quick to call for his resignation as the Democrats did when then senator Trent Lott was accused of perceived racist comments. In 2002, Trent Lott attended the South Carolina senator Strom Thurmond's (R-SC) one hundredth birthday party bash and said, "I want to say this about my state: When Strom Thurmond ran for president, we voted for him. We're proud of it. And if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years, either." Many people thought that Senator Lott was hearkening back wistfully to the times of segregation in America. Lott was eventually pushed to resign his leadership post over this issue.

Another Obama racial incident concerned South Carolina congressman Joe Wilson's inappropriate behavior of shouting "You lie! You lie!" during Obama's health-care address to a joint session of Congress when he said that undocumented immigrants would not have access to his health-care plan. Former president Jimmy Carter referred to the Wilson incident as being a racist affront because he said that if President Obama was not African American, he would not have gotten so much disrespect. These racially coded comments were directed at Obama, but there were also other "racial" comments that have left a popular-culture stain. Unlike these issues, there were other obvious racial incidents that had no distinct apologies attached to them, such as the conservative talk show host Rush Limbaugh's radio skits.

Rush Limbaugh's "Barack the Magic Negro" and "Light-Skinned" Verbal Incidents

Circles on the left cite racially prejudiced incidents against the president such as Rush Limbaugh's radio skit "Barack, the Magic Negro," a parody written by Paul Shanklin playing off the Peter, Paul, and Mary hit song "Puff, the Magic Dragon"; Limbaugh argued that he aimed to satirize the fawning media and white liberal guilt. The song had a faux Al Sharpton voice-over contending that Obama is not successful because of any of his political accomplishments but instead because he represents the "spiritual" African American

trope. Many people were outraged by the song and said it was very racially offensive in many ways, especially in using such antiquated terms as "Negro." Additionally people were offended by the *Esquire* (February 2010) magazine interview (in which former Illinois governor Rod Blagojevich claimed he was "blacker than Barack Obama" because he shined shoes as a child).

CNN reported that Republican Chip Saltsman distributed a CD which had "Barack, the Magic Negro" as a track to Republican supporters. There was a storm of criticism that came at him from both white and black Republicans who said it was out of place for the inclusive Republican Party. He made a speedy mea culpa but was later forced to withdraw from the Republican National Convention. Limbaugh never apologized and instead said that it was the "left-wing media's" and "drive-by" listeners' fault for not getting his humor of satirizing political events. Limbaugh followed this up months later by saying that Obama was trying to appear "compassionate" to both the "light-skinned and dark-skinned black community in this country," which was a play on Senator Reid's poor choice of words to authors of the book *Game Change*.

Conclusion: Pop-Cultural Dreams of Obama

ALLEN SHORE: Even Obama's own running mate during the primary, Biden, praised Obama for being clean and articulate. What was that? We can give thanks for a lot of things today, but the defeat of racism in America is not one of them. Especially at liberal white-collar law firms like Crane, Poole, and Schmidt. Look around the table. *There is a moment of silence. Shirley sighs.*

CARL SACK: Bet you don't get invited to a lot of dinner parties. —Boston Legal, Episode "Thanksgiving," Scene "Systemic Racism"

The character of Allen Shore quoted the 2007 incident when then senator Joe Biden of Delaware told the *New York Observer* that Obama was "the first mainstream African-American who is articulate and bright and clean and a nice-looking guy." Does Obama's presidency transport us away from these negative images into new neutral color-blind ones? Allen Shore eye-tollingly says, "Oh, please." Shirley Schmidt disagrees and emphatically states, "We just had a black man elected president!" implying that racism is now over. Here the post-racial thesis comes in. The post-racial thesis is simple: America is now color-blind, and the election of Barack Obama is proof.

Allen Shore is correct that we are still not a post-racial United States even with the election of President Barack Obama. The evidence that we are not color-blind is seen in the persistent black-white inequalities of prison,

health care, cancer, education, and unemployment rates. It is also seen in racially coded terms such as "uppity" and "Negro" directed at President Obama. The inequality statistics are very simple and straightforward to see.

On the other hand President Barack Obama's story is everything but simple. His life story is complex and cannot be stuffed into the compact sound bites that many try to place him into. Is he black, white, biracial, or other? Is he the son of a Kenyan Harvard graduate or the son of a white Kansas single mom who raised him partially in Asia? The popular-culture renditions of Obama are even more myriad; is he a crime-fighting comic book character alongside Spider-Man, or is he the Rush Limbaugh-spoofed "Obama, the Magic Negro"? His election on November 4, 2008, ignited global excitement and expectation when suddenly he became the physical embodiment of the motto *E pluribus unum*—"Out of Many, One," which has led to his international and pop-cultural fame. This also has led many people, like the fictional Shirley Schmidt, to say that we are now a post-racial America. Although this essay showed that we are not, Barack Obama's election has completely changed, compounded, and complicated all of the racial conversations hereafter. Looking to the future of Barack Obama's legacy one can argue that his election has pointed America and the world, still presently riddled with the wounds of discrimination, in the right direction of a true color-blind society.

NOTE

"Whites" and "Anglo Americans" are used interchangeably throughout this essay.

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